## WILMINGTON

The Demonstration Against Fort Fisher.

Reports of Generals Butler, Weltzel

The Delay of the Navy the Cause of the Failure of the Expedition.

General Weitzel's Opinion as to the Effect of an Assault on the Fort.

Interesting Correspondence Between Genrals Grant and Butler,

acral Grant to the Secretary of War

al Benjamin F. Butler's and subordinates' reports of Rear Admiral D. D. Porter has been published in the apers, I would respectfully request that General But-r's report, with all the papers accompanying it, be also

Major General Butler's Report. Bradquartus of Virginia and North Carolina, Army of the James, In the Fired, Jan. 3, 1865.

orders, I moved a force of about sixty-five hundred ,800) effective men, consisting of General Ames' divi of the Twenty-fourth corps and General Paine's divion of the Twenty-fifth corps, under command of Major eneral Weitzel, to an encampment near Bermuda.
On the 8th the troops embarked for Fortress Monroe.
On the 9th (Friday) I reported to Rear Admiral Porter

at the army portion of the conjoint expedition directed minst Wilmington was ready to proceed.

Monday, the 12th.

On the 12th Rear Admiral Porter informed me that the val ficet would sail on the 13th, but would be obliged to at into Beaufort to take on board ammunition for the

The expedition having become the subject of remark, bearing lest its destination should get to the enemy, in or to direct from it all attention, on the morning of seday, the 13th, at three o'clock, I ordered the transport fleet to proceed up the Potomac during the day to Matthias Point, so as to be plainly visible to the scouts nd signal men of the enemy on the Northern Neck, and

wing given the navy intry six noors such, as we o'clock noon, of the 14th (Wednesday), I joined transport fleet off Cape Henry and put to sea, arriving the place of rendezvous off New Inlet, near Fort ter, on the evening of the 15th (Thursday), e there waited on the navy Friday, the 16th; Satur-the 17th, and Sunday, the 18th, during which days had the finest possible weather and the smoothest

ort, on the fast sailing armed steamer Chamberlin niral Porter to inform him that on the evening of the I would again be at the rendezvous, with the ort fleet for the purpose of commencing the attack

the weather permitted.

At four o'clock on the evening of the 24th I came in ght of Fort Fisher and found the naval feet engaged in ombarding it, the powder vessel having been exploded the morning previous about one o'clock.

Through General Weitzel I arranged with Admiral Forthrough General Weitzel I arranged with Admiral Forthrough

bombarding it, the powder vessel having been exploded is the morning previous about one o'clock.

Through General Weitzel I arranged with Admiral Porter to commence the landing under the cover of the gunboats as early as eight o'clock the next morning if positice, as soon as the fire of the Half Moon and Flag Food Hill batteries had been silenced. These are up the shore some two or three miles above Fort Fisher.

Admiral Porter was quite sanguine that he had silenced the guns of the Fort Fisher. He was then urged, if that were so, to run by the Fort into Cape Fear river, and then the troops could land and hold the beach without the lability o'b being shelled by the enemy's gunboats, the Tallshassee being seen in the river.

It is to be remarked that Admiral Farragut even had never taken a fort except by running by and catting it off from all prospect of reinforcement, as Fort Jackson and Fort Morgan, and that no casemated fort had been silenced by a naval fire during the war; that if the Admiral would put his ships in the river, the army could supply him across the beach, as we had proposed to do Parragut at Fort St. Philip; that at least the blockade of Wilmington would be effectual, even if we did not capture the fort.

To that the Admiral replied that he should probably have a beat by torpedoes if he attempted to run by. He was rem niced that the army might lose five hundred men by the assauls, and that his beat would not weigh in the balance, even in a money point of view, for a moment with the tives of these men. The Admiral desired going by, and the expedition was deprived of that second element of success.

At twelve o'clock noon of the 25th (Sonday), Captain Glesson, commanding the covering division of the feet, reported the batterner silenced and his vessels in position to dover our landing. The transport fleet following my flagglip stood in within a fight hundred yards of the beach, professer with which has assault might be attempted. Reveil Brigadier General Curits, who deserves well for he galled an

hilled about a third of a mile from the fort, and his horse laken.

In the meantime the remainder of Ames' division took two hundred and eighteen men and ten commissioned efficiers of the North Carolina Reserves, and other prisoners. From them I learned that Kirkland's and Hapgood's brigades, of Hoke's division, had left the front of the Army of the James, near Richmond, and were within two miles of the rear of my forces, and their skirmishess were then actually engaged, and that the remember of Eoke's division had come the night before to Wilming in, and were then on the march. I also learned that these troops lett Richmond on Tuesday, the 20th. Knowing the strongth of Hoke's division, I found a force epposed to me outside the works larger than my own. In the meantime the weather assumed a threatening sepont. The surf began to roll in so that the kanding became difficult.

At this time General Weitzel reported to me that to

sepect. The surf began to roll in so that the landing became difficult.

At this time General Weitzel reported to me that to seanit the works, in his judgment and in that of the experienced officers or his command, who had a skirmish line, with any prospect of success, was impossible. This spinion coincided with my own, and, much as I regretted the necessity of abandoning the stempt, yet the duty was plain. Not so strong a work as Fort Fisher had been maken by assault during this war, and I had to guide my experience of Fort Busion, with the shapphered thousands in the repulsed assault and the shapphered thousands in the repulsed assault and the shapphered thousands to the results of the strong than Fort Fisher after it had a continued and fully as payore a fre, and in action of the instances I have

General Ames, commanding the division lances, are hereto appended.

Trusting my action will meet with the approval of the Lieutenant General, this report is respectfully submitted.

BENJ. F. BUTLER, Major General.

Major General Weitzel's Report. HEADQUARTERS, TWENTY-FITH ARRY CORFS, L. IN THE FIELD, Virginia, Dec. 31, 1864. ]
Brigadier General J. W. TCENER, Chief of Staff, Depart-

GENERAL-In accordance with orders I moved on the General Ames' Second division, Twenty-fourth corps, and General Paine's First division, Twenty-lifth corps, to the rear of the left of our lines at Bermuda Hundred and bi-vouacked for the night at the signal tower. During the

manding General, I proceeded on board of the flagship, in company with Lieutenant Golone Comstock, Aid-Gamp on General Grant's staff, and learned from Adminiral Porter that the powder vessels had exploded at forty minutes part one A. M. that day, close to Port Fisher, and that he had commenced the stack at daylight, firing his first shot after twelve M., and that the rebels had repiled with little or no spirit to his tre, and he seemed sanguind of Ah easy explare of the work. I reported this to General Butler upon my return, and I was then directed to land a reconnotiving party of about five hundred men on the following day, to push as close as possible to Fort Fisher, ascertain its true condition, and to report, so that if it were found practicable to assault, all the troops could be landed and the assault made. At half past six the next morning I saw Admiral Porter, and arranged with him the details for covering the landing, and also for landing the troops. As soon as all the transports arrived and the preparations were ready, whe hundred men of the One Hundred and Forty-second New York Volunteers, and about afty men of the One Hundred and Forty-second New York Volunteers, and about afty men of the One Hundred and Forty-second in the beach about three mines above Fort Fisher. I also accompanied this body of men in person. We were covered in our landing by a division of twelve ganbasis, under the command of Captain Glesson, United States Navy, and the sloop-of-war Brooklyn, Captain Aiden commanding. We were assisted by the boats of these vessels as soon as the landing was made, I directed General Curtis to push his command down the beach as far as he could got up the first of the work of the surface of the pushed his skirmish line within a few yards of Fort Fisher, a lash and the pushed his skirmish line within a few yards of Fort Fisher, and the many in mediately after the white fag was beined and theory and the gards of the work. For his had anot been made to the base of the second of the second of the secon

lifteen men wounded, nearly all the latter by our own naval force.

The garrison of Flag Fond Hill battery belonged to Kirk-land's brigate of Hoke's division, and unanimously reported that they left Hichmond on the Tuesday previous. From some of these and other prisoners we learn that Kirkland's and Happood's brigades had already arrived, and that the remainder of Hoke's division was on the

report.

The command is deeply indebted to the Naval Brigade for efficient and hazardous service in taking the troops from the shore through a heavy surf. We lost one officer, who, by accident, passed through our pickets into the enemy's, and a soldier drowned in the sarf. Some ten or fifteen men were wounded. I have the honor to be, very respectfully, your obedient servant,

AMES, Brigadier General Volunteers.

Captoin Windelth, Assistant Adjutant General, to General Weitzel.

Endorsement by General Grant.

Headquarters, Armies of the United States, }
City Point, Va., Jan. 7, 1865. }
To avoid publicity of the time of sailing and destination of the expedition against Fort Fisher, my riders to General Butler to prepare it were

General Butler's Instructions to General Weitzel. [CONVIDENTIAL.]

NORTH CAROLINA, ARMY OF THE JAMES, IN THE FIELD, Dec. 6, 1864. Major General G. WEITZEL, Commanding Twenty-fifth

trusted you with the command of the expedition about to embark for the North Carolina coast. It will consist of about six thousand five hundred infantry, two batteries of artillery and fifty cavalry. The effective men of General Ames' division of the Twenty fourth corps and General Paine's division of the Twenty-fifth corps will General Ames' division of the Twenty-fight corps and General Paine's division of the Twenty-fight corps and General Paine's division of the Twenty-fight corps will furnish the infantry forces. General Paine is under your orders. General Ames will be ordered to report to you in person immediately. You will confer with these officers, and arrange details, instruct them to select their best men, making your total force about six thousand five hundred men. The chief of Artillery, in conference with you, will designate the artillery to be taken. The horses of the batteries, except one horse for each officer and chief of piece, will be left. Take one set of wheel harness. Fifty men of the Massachusetts Cavalry will be ordered to report to you. Forsy ambulances (two horse), with the necestary medical stores, have been selected for the expedition, which will be distributed on at least two beats. Take sixty rounds of ammunition on the men, one hundred rounds in boxes to be distributed through the fleet. If your division trains do not furnish the necessary amount, the balance required will be furnished by the Chief of Ordanace at the point of embarkation. Three hundred rounds of artillery ammunition per gun will be taken. So much of it as is not contained in limber boxes and calscons will be loaded in hoxes at the point of embarkation. Three hundred rounds of artillery ammunition per gun will be taken. So much of it as is not contained in limber boxes and calscons will be loaded in hoxes at the point of embarkation. Three hundred rounds of artillery ammunition per gun will be taken. For much the deet. Field rations only will be taken. For pack nules for division and brigade headquarters will be allowed. Mounted officers will take but one horse for personal use. The Chief Quartermaster will also furnish a party of wharf builders and a small amount of material for a landing, Acc. Thirty launches will also furnish a party of wharf builders and a small amount of material for a landing, Acc. Thirty launches will be taken on b

R. C. CLAFE, Captain and Aid de Camp.

RESPONDENCE TO THE RESPONDENCE TO THE INFORMATION AND WITH THE INFORMATION AND WITH THE INFORMATION AND WITH THE INFORMATION AND THE INFORMATION ASSISTANT Adjutant General Commanding.

T. S. BOWERS, Assistant Adjutant General.

Communications from General Grant to General Butley. HEADQUARTERS, APRILE OF THE UNITED STATES, CITY POINT, NOV. 30, 1884.

Headquarters, Armess of the United States, }

liajor General Butler:—
I have files of Savannah and Augusta papews by Cot.
Mulford, from which I gather that Brays has gone to Georgia, taking with him what I judge to be most of the forces from about Wilmington. It is therefore important that Woitzel should get off during his absence; and if successful in effecting a landing, he may, by a bold dash, succeed in captuning Wilmington. Make all the arrangements for his departure, so that the navy will not be detained one moment for the army.

Did you order Falmer to make the move proposed yesterday? It is important that he should do so without delay.

T. S. Bowers, A. A. G.

Headquarters, Arams or the United States, }

City Point, Va., Dec. 4, 1864. }

Major General Butler:—

I feel great anxiety to see the Wilmington expedition of, both on account of the present fine weather, which we can expect no great continuance of, and became Sherman may now be expected to strike the see constants.

the James:

I had sent you a cypher despatch before receiving your instructions to General Weitzel. I think it advisable that all embarkation should take place at Bernudd. The number of intrenching tools I think should be increased.

Major General Bernez:
Let General Weitzel get off as soon as possible. We don't want the Navy to wait an hour.
U. S. GRANT, Lieutenant. General.
T. S. Bowns, Assistant Adjutant General.

T. S. Bowers, Assistant Adjutant General.

Headquartess, Armins of the United States, City Point, Va., Dec. 11, 1864.

Major General Butles, Fortress Monroe:—
Richmond papers of the 10th show that on the 7th Sherman was east of the Ogcechee and within twenty-five miles of Savannah, having marched eighteen miles the day before. If you de not get off immediately you will lose the chance of surprising a weak garrison.

U. S. GRANT, Licutenant General.

T. S. Bowers, Assistant Adjutant General.

Headquartess, Armins of the United States, Major General Butles, Fortress Monroe:—
What is the prospect for getting your expedition started? It is a great pity we were not ten or twelve days earlier. I am confident it would have been successful. Have you heard from Palmer? The Richmond papers give no account of any federals on the Roanoke or Weldon road south of Weldon.

U. S. GRANT, Lieutenant General.

T. S. Bowers, Assistant Adjutant General.

sional District.

of income and amount of taxation imposed upon some of

Berdell, R. H. 13,745 Burditt, C. P. 27,361 Buckman, E. 10,551 Earrett, W. C. 6,034 Bennett, J. 90,000 Burman, G. F. 122,120 Bayard, Robert 51,853 Butterfield, F. R. 41,105 Berditt, S. 6,359 Barber, B. R. 11,049 Cooper, Fetar 106,879 Chatterton, T. 21,000 Clarke, L. C. 110,975 Crawford, D. 140,068 Dows, David 188,674 Delimonico, Lor 4,400 Dodre, D. S. 32,959 Dunham, T. 15,000 Dorke, A. A. 19,250 Dunham, T. 15,000 De Forrest, G. B. 57,582 Daile, T. W. 76,322 Deviin, John E. 16,997 Dunhap, A. D. 11,310 Folsom, Geo. 17,940 Fabor, Kdward 8,000 Field, D. 27,000 Gunther, C. Godfrey 13,410 Gunther, C. Godfrey 13,410 Gunther, C. Hilling H. 30,000 Gunther, Christian G. 39,905 Gunther, William H. 30,000 Gunther, William H. 30,000 Gunther, Christian G. 39,905 G	1,867 55
Buckman, E	527 55
Earrett, W. C 6,034	527 55 301 70 4,500 00
Butman G. F	4,500 00 6,406 00
Bayard, Robert 51,853	2,592 66
Bendy 8 6359	2,055 25 817 95
Barber, B. R	567 45
Cooper, Peter	5,363 95 10 50
Clarke, L. C	5,548 75
Crawford, D	7,454 90 8,483 70
Delmonico, Lor 4.400	7,454 90 8,483 70 230 60
Dodge, D. S	1,647 95 962 50
Dunham, T	750 00
De Forrest, G. B 57,582	2,879 10
Deviin, John E	9,816 10 849 85
Dunlap, A. D 19,566	978 30
Folsom Geo 17 940	897 00
Faber, Edward 8,000	400 00
Elliot, J. D. 11, 310 Folsom, Gec. 17, 940 Pabor, Edward 8,000 Field, D. 27,000 Field, D. D. 60,000	3,000 00
Field, C. W 9,000	460 00
Fish, Hamilton	1,464 65 670 50
Gunther, William H 30,000	1,500 40
Gunther, Christian G 39,905	1,995 25 460 80
Gemmel, James, executors109.364	450 80 5,872 80
Goodrich, C. C	1,089 50
Heller, Win	989 35
Hoe, P. 8 15,581	1,133 60 778 55
Hutchine, Waldo 9.000	450 00 303 50 1,47° 55 327 85
Hanghwout, E. V	1,47° 55
Hayward, John N 6,587	327 85 647 35
Heve Ernest 7,909	305 45
Hunt, W. G 47,375	2,358 75
Hoe, Robert	2,513 40
Jackson, Peter H 15,642	980 00
Knevals, Caleb B. 41,527 Keeler, E. W. 18,852 Kerland, Wm. 34,177 Lord, J. C. 64,560 Lawrence, H. 62,610 Lawrence, H. 53,873 Livingston, H. T. 49,451 Morgan, Homer 22,578 Mots, Valentine 9,378 Macy, S. J. 20,967 Magher, T. H. 71,367 Magher, T. H. 71,367 Magher, J. H. 59,216 Macy, C. A, trustee 37,511 Moran, Ch. 22,666 Maury, M. 7,662 Marbury, F. F. 10,829 Murray, R. 44,876 Milbank Jereniah 62,000 Mairs, John D. 36,650 Neshitt, Geo. F. 10,113 Nellsen, W. H. 34,296	2,076 35 942 60
Kirkland, Wm	1,708 85 3,225 00
Lord, J. C	3,225 00
Leonard, C. H	2,693 68
Livingston, H. T 49,481	2,474 61 1,128 65
Moth, Valentine 9,378	468 90
Macy, 8 J 20,967	1,048 35
Magher, J. H	3,567 86 2,960 80
Macy, C. A, trustee	1,880 55
Moran, Ch	1,134 80 353 10
Marbury, F. F 10,829	541 45
Murray, R. L	2,244 86 3,100 00
Mairs, John D	1,634 50
Neshitt, Geo. F 16,113	1 714 89
Ockerhausen, G. P 90,712	1,714 82 2,585 00 570 00
O'Brien, J	500 05
Neshitt, Geo. F.     10,113       Nellson, W. H.     34,296       Ockerhausen, G. P.     90,712       O Brien, J.     11,400       Palen, George     10,181       Pott Francis     23,500       Punnam, George R.     6,760       Perminan Jas. F.     15,000       Perminan Jas. F.     15,000	1,175 00
Putnam, George R 6,760	337 50
72.500	7,800 00
Seyton, C. S	9 577 95
Steinway, W 23,141	1,157 95 701 10
Smith K Delabeld	959 60
Skiddy, Francis 02,200	2,010 00 1,570 45
Stitle Strains Incomish 10 174	993 70
Shaw, James M         12,875           Tracy Chas         12,461           Tilden, William         56,172           Typs, Rev S H         4,941           Trow, John F         14,400	642 80
Tracy Chas. 12,461	2,908 60
Tyng, Rev. S. H 4,941	247 05
	720 00 2,001 40
Thompson, James	1,996 00 749 62
Tilden 8 J	749 62 355 00
Valentine, D. T.       7,100         Varnum, J. B.       10,811         Van Duzen, S. R.       16,900	840 55
Van Duzen, S. R 16,300	815 00 500 00
Wheeler, G. M	910 70

Police Intelligence.

OFFENDER SET TO THE PROTESTIARY.—On Thursday night two men, named Richard Blake and Daniel Mc-Cormick, entered the restaurant of Augustus Traubecan, 344 West Thirty-ninth street, and partook of refresh-ments, for which they refused to pay. Both the men ments, for which they reiused to pay. Both the men-being intoxicated then commenced to break windows and furniture, and being remonstrated with by the pro-prietor, one of them prilled out a pistol and threatened to shoot him. An officer of the Twentieth precinct was called in, and arrested Blake and McCormick. They were taken before Justice Dodge, and in default of \$1.000 ball each to keep the peace the magistrate sent them to the Penitentiary.

DEFIONRET DEMONSTO.—RORRING THE DRAG.—Margaret Atkins, a domestic recently in the employ of Mr. Samuel H. Thurston, residing at 278 Fourth arenne, was arrested by officer Walker, of the Twenty-ninth precinct, charged with stealing wearing apparel, jewelry, &c., valued at \$120. Most of the stelen property was found in the prisoner's trunk, at No. 110 East Twenty-second street. Mr. Thurston states that his wife duel on the 10th instand in his complaint makes each that Margaret stole a gold ring from the diager of deceased after death, and then, with the other plunder she had secured, left the house. Justice Dodge committed the accessed for trial, she having confessed the larceny.

A CLURK CHARGED WITH RORRING EM EMPLOYERS—Charles C. Margh, who has been a clerk in the store of

Mesers Lord & Taylor, Grand street, was yesterday ar-rested by officer King, of the Tenth precinct, on the rested by officer King, of the Tenth precinct, on the charge of having at different times stolen goods valued at \$700 from his employers. The stolen goods, it is alleged, were sold to J. B. White, druggist, corner of Columbia and Rivington streets, and he disposed of them to Frank W. Harris, of 220 East Fifty-third street. White and Harris were also arrested for receiving stolen goods. A large portion of the property purioned was found in possession of the prisoners. Justice Shandley committed Marsh and White to prison, and held Rarris to hait in the sum of \$2,400 to answers. THE STATE CAPITAL.

ALBANY, Jan. 18, 186

ciation" of this order or gentlemen would not be thing.

A new Madison avenue and Lexington avenue railroad scheme, terminating at Wall street and Whitehall ferries, was introduced to-day by Mr. Stuart, the successor of Mr. E. C. Benedict, on behalf of the latter, of Henry H. Elliot and of other more or less poliched corporators. It is proposed that this road shall penetrate the entire length of Nassau and William streets, and include Centre street and Fourth avenue in its route. Mr. Benedict and bis colleagues are, evidently, sanguine men. The Thirty-fourth street and Sixth avenue road is the same as that introduced here last year. It is another cross town, like the Forty-second street road to Grand street—its terminations being at Christopher street and Thirty-fourth street ferries.

nations being at Christopher street and Thirty-routh street ferries.

The bounty question has experienced a delay which will enable the Senate to put their bill in the best shape. It was announced in Senate, upon official information, that the districtor the 15th of February will not be enforced. The conclusion upon which the money will be ruised for the volunteer bounties by the State is definitively formed among Senators. Bonds will be ordered to be issued in anticipation, and the endorsement of the people guaranteed by the form in which it will be submitted at the polls.

The proposition can be so framed by the Legislature as to present the alternatives:—

"Shall the volunteer bounty fund be immediately raised by tax;" or

NEW YORK LEGISLATURE.

y wealthy citizens of New York, asking for an imme

To amend the charter of the Transit late insurance Company.
Providing for the repayment of moneys illegally collected by the Health Commissioners of New York.
Authorizing the Trustees of the Seaman's Fund and Retreat to borrow \$30,000.
Making appropriations to the New York dispensaries.
To enable qualified voters of this State in the military service of the United States to vote in the field, and wherever ten or more are together they to choose their own election judges.
To amend the charter of the Society for the Reformation of Juvenile Delinquents.
Adjourned till Monday evening.

ALBANY, Jan. 13, 1865. The concurrent resolutions of thanks to Generals Grant, Sherman, Sheridan, Thomas and Farragut were adopted by year 113, nays 1—Mr. Keegan.
Mr. Axon: offered a concurrent resolution of thanks to Major General Benjamin F. Butler, which was haid on the table under the rule.

mills Noriced.

In relation to taxes in New York.

By Mr. Srewart—For a railroad in 125th street, New

By Mr. Stewart—For a mirrord in 125th street, New York.

Also to legalize certain resolutions of the Common Council of New York.

To incorporate the Corn Exchange and Warehouse Security Company.

By Mr. Stewart—To incorporate the New York and Brooklyn Railroed and Ferry Company.

Also to legalize certain resolutions of the Common Council of New York relative to the conveyance of land to the German Hospital.

Also to amend the charter of the German Savings Bank of New York.

Adjourned to Monday evening, at half-past seven o'clock.

Court of Appenis.

The following is the day calendar of the Court of Appeals for Saturday, Jan. 14:-ENOS. 76, 77, 79, 80, 81, 8132, 82, 85, 84 and 85.

Another Breach of Promise Case. Before Judge Barbour.

Jan. 13.—Bridget Section vs. Morgan O'Brien.—This was an interesting breach of promise case, in which the fair plaintiff laid her damages at \$5,000. The complaint set forth that the defendant was in the habit of paying his attentions to the plaintiff, and that in the month of De cember, 1862, he seduced her from the paths of virtue under solemn promise of marriage. The result of the criminal intercourse was a child about a year old, which was produced in court and exhibited to the jury. Much sympathy was evinced for the mother, especially while

was produced in court and exhibited to the jury. Much sympathy was evinced for the mother, especially while on the witness stand, undergoing a severe cross-examination at the hands of the counsel for the defendant.

The defence actup was that no promise of marriage had been made or hinted at by either of the parties at the time of the alleged seduction, and that so far from O'Brien's being the gay deceiver that Bridget would make him out, he was really the most knocemb party of the twain. The defendant, upon taking the stand, testined that the criminal intimacy which existed between him and Miss Sexton was brought about by the perwastre ways of the plaintiff, and tried to make the Court and jury believe that he was actually coaxed into the commission of the offence. On the occasion of the alleged seduction the parties lived under the same roof in Twenty-sixth street, and, according to defendant's version of the story, the plaintiff enticed him into her bedroom, and there led him ratray. In reply to a question from the Court the defendant sated that he drove a horse and cart for a living, rad, had no other means of earning a livelthood.

At this stage of the presedings the counsel for the plaintiff said he thought it was improper to question the witness as to his means. The jury, in assessing the damages, should not be guided by the defendant's testimony in regard to his wealth.

Judge Barbour was of opinion that the jury had a right to knew all the circumstances surrounding the case, what might be considered exceased e damages in one case would be nothing more than right in another. A verdict for \$100 in one case might be more oppressive than \$50,000 in another.

After some unimportant testimony the case for the defence at the floor.

Judge Barbour was of opinion that the jury had a right to knew all the circumstances surrounding the case, what might be considered exceased e damages in one case would be nothing more than right in another. A verdict for \$100 in one case might be more oppressive than \$50,000 in a



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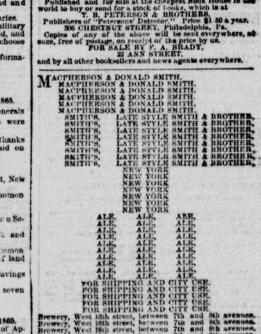
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